

Minutes
Catawba County Board of Commissioners
Regular Session, Monday, March 15, 2004, 7:00 p.m.

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No. 2004-06, amended by adding a section to Chapter 44, Zoning, Section X: SPECIAL USES, being 44-379 (No action taken)	473	03/15/04
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The Catawba County Board of Commissioners met in regular session on Monday, March 15, 2004, 7:00 p.m., at the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chairman Dan A. Hunsucker, Commissioners Glenn E. Barger, Barbara G. Beatty, and Lynn M. Lail.

Absent: N/A

A quorum was present.

Also present were County Manager/Deputy Clerk J. Thomas Lundy, Assistant County Manager Mick W. Berry, Assistant County Manager Joellen J. Daley, County Attorney Robert Oren Eades, Staff Attorney Debra Bechtel, and County Clerk Thelda B. Rhoney.

1. Chair Barnes called the meeting to order at 7:00 p.m.
2. Commissioner Lail led in the Pledge of Allegiance to the Flag.
3. Mr. Jerry McCombs offered the Invocation.
4. Commissioner Hunsucker made a motion to approve the minutes from the regular session of Monday, February 16, 2004. The motion carried unanimously.
5. Recognition of Special Guests:
 - a. Chair Barnes presented a Certificate of Commendation to Al Mainess, Retiring News Director who served almost thirty years as News Director of WNNC in Newton, and as a journalist with WHKY in Hickory prior to his work with WNNC. The Board recognized the high standard of professionalism Mr. Mainess demonstrated as a news director. The Citation read, "With grateful recognition for your hard work to keep the citizens of Catawba County informed of news and information of importance to them, and warm congratulations on your upcoming retirement, this certificate recognizes the high standard of professionalism you have demonstrated during almost thirty years as News Director of WNNC Radio in Newton, and as a journalist with WHKY in Hickory prior to your work with WNNC. We commend you for your volunteer service in the United States Army during one of the most difficult times in American history, the Cuban Missile Crisis. Thank you for your many years of fair and balanced reporting and faithful attendance at meetings of the Board of Commissioners and other events related to Catawba County Government. While we will certainly miss your daily newscasts, we are happy you will be able to spend more time with your family, especially your beloved grandson, and wish you many years of happy and healthy retirement."

Mr. Mainess said he started covering the County Commissioner meetings in 1974. He thanked the Commissioners for the Commendation and he thanked County Manager Tom Lundy and Public Information Officer Dave Hardin.

 - b. Chair Barnes thanked Jerry McCombs, for offering the invocation and welcomed him as President of the Catawba County Chapter of the NAACP. She also recognized Nancy Meek and Hickory Public Schools and Joe Lutz, Catawba County Chamber of Commerce.
6. Public Comment for items not on the agenda. None.
7. Presentations:
 - a. Community for a Drug Free Youth Forum.

The Board heard presentations from Counselor Donna Pate, St. Stephens High School and Chairperson of the Forum of the Community For A Drug Free Youth Organization; St. Stephens Principal DeAnna Taylor; and Ms. Ronnie von Drehle, parent, concerning a forum to educate parents and others about drug and alcohol use among Catawba County's youth. The March 21, 2004, event will begin with a program by Debbie Mingus, mother of a graduate of St. Stephens High School whose son was later murdered in a case connected to his prior substance abuse issues. There will be a series of "break out" sessions at the Forum on different topics related to substance abuse issues

confronting today's youth. They invited the Commissioners and the public to attend the Forum on Sunday, March 21, 2004, 2:00 p.m. - 5:00 p.m. at Catawba Valley Community College, Multi Purpose Facility.

b. Presentation of Sustained Purchasing Award.

Chair Barnes presented the Sustained Purchasing Award to Debbie S. Anderson, Purchasing Agent which read, "In proud recognition and with heartiest congratulations, this certificate recognizes the high standards in professional development, education, continuous improvement programs, ethics, environmental awareness, and electronic commerce of the Catawba County Purchasing Division of the Finance Department, winner of the prestigious "Sustained Professional Purchasing Award," from the Carolinas Association of Government Purchasing (CAGP). This award is the highest award a governmental purchasing division can obtain within the CAGP. Catawba County is one of only nine governmental units in the two Carolinas to win the award this year."

Ms. Anderson thanked the Board for its support and thanked them for allow staff to be progressive in the Carolinas. She thanked her staff for its hard work.

8. Public hearings:

a. Amendment to Catawba County Zoning Ordinance Sec. 44-87, Table 1: "Schedule of Permitted and Permissible Uses by District" and Article X: Special Uses to add special use criteria for animal hospitals/veterinary clinics in a R-2 residential district. Special use criteria being proposed include a minimum acreage requirement, setbacks, maximum square footage of principal building and buffer requirements.

County Planner Mary K. George said animal hospitals/veterinary clinics are a permitted use in the C-2, C-3, E-1 and E-2 zoning district subject to meeting additional requirements beyond the required setbacks, parking and buffer requirements. She reviewed the supplemental regulations that an animal hospital/veterinary clinic must meet. She said at the Planning Board's January 2004 meeting, Dr. Jane Barber and Ms. Margo Carter asked the Board to consider an ordinance amendment to allow animal hospitals/veterinary clinics as a special use permit in a R-2 residential district. In their presentation they suggested that a veterinary clinic in a residential district, subject to a special use permit, would minimally impact the community from a negative standpoint. They also indicated that a vet clinic would offer a community product and service, not currently available, in a safe and convenient environment. Upon hearing their presentation, the Planning Board agreed to advertise a public hearing for an ordinance amendment to establish criteria for an animal hospital/veterinary clinic to be considered as a special use permit in a R-2 zoning district.

Staff reviewed other jurisdiction's ordinances for standards applied to vet clinics in rural areas. Typical criteria in these ordinances included lot sizes, buffering and additional setbacks.

In addition to the standards currently applying to veterinary clinics in commercial and industrial districts, staff proposed the following special use permit criteria:

- (1) There shall be a minimum lot size of ten acres. This is the acreage requirement which currently applies to a special use permit for kennels.
- (2) No individual outside runs shall be allowed. This would prohibit a dog from being allowed to go outside on its own, which is intended to minimize the impacts of noise in a residential area. The facility would still be allowed to have a common exercise yard, subject to a 200-foot setback, where the dog is taken outside and is supervised by staff.
- (3) The maximum square footage of the principal building shall be 8,000 square feet.
- (4) A group 2 buffer shall be provided pursuant to Section 44-151. This is a 15-foot wide buffer which is the same standard applied to kennels.
- (5) Increase the building's setback from residential property to 200 feet, which is consistent with the setback for the common exercise yard.

- (6) Allow the veterinarian or caretaker to have a residence on-site, which is considered an accessory use to the clinic.
- (7) Require the disposal methods for waste to be approved by the Environmental Health Department. This is consistent with the special use requirement for kennels.
- (8) Signage for the clinic is limited to one nonilluminated sign no larger than sixteen (16) square feet. This is consistent with the sign requirements for other special uses allowed in residential areas.

Ms. George said staff recommended amendments to Table 515:1 and Article X: Special Uses with subsequent recommendation to the Board of Commissioners. The Planning Board conducted a public hearing on the proposed amendments at its February 23, 2004, meeting.

Ordinance No. 2004-05

BE IT ORDAINED that the Catawba County Code of Ordinances, Chapter 44, Zoning, Table 515-1: Schedule of Permitted and Permissible Uses by District, is hereby amended to read as follows:

TABLE 515-1: SCHEDULE OF PERMITTED AND PERMISSIBLE USES BY DISTRICT										
<p style="text-align: center;">Legend</p> <p>X = Permitted Principal Uses Y = Permitted Accessory Uses R = Rezoning Process A = Special Use Approved by Board of Adjustment Blank = Prohibited Use</p> <p>(1) Five or more nonresidents, (2) Maximum number of residents is 12, (3) In existing manufactured home parks only, (4) Maximum number of residents is five, (5) Only for uses permitted in the district, (6) When catering to industrial clients, (7) Excluding the open storage of wrecked cars, (8) May include open storage as permitted for junkyards, (9) In existing manufactured home parks, on existing lots of record, and family subdivision lots, (10) Administration approval, subject to supplemental regulations in section 44-222.</p>										
Use	R-1	R-2	R-3	O-1	C-1	C-2	C-3	E-1	E-2	See Section
Animal hospital/ veterinary clinic		A				X	X	X	X	<u>Permitted:</u> 44-218 <u>Special Use:</u> 44-379

This 15th day March, 2004.

/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Ordinance No. 2004-06

BE IT ORDAINED that the Catawba County Code of Ordinances is hereby amended by adding a section to Chapter 44, Zoning, Section X: SPECIAL USES, being 44-379, which said section reads as follows:

Sec. 44-379. Animal Hospitals/Veterinary Clinics.

The following standards shall be used in deciding applications for approval of an animal hospital/veterinary clinic:

- (1) A minimum lot size of ten (10) acres shall be required.
- (2) The maximum square footage of the animal hospital/clinic building shall be 8,000 square feet.
- (3) All activities, with the exception of the common animal exercise yards, shall be conducted within an enclosed building.
- (4) No individual outside runs shall be allowed.
- (5) Common exercise yards shall be no closer than 200 feet from an adjacent residential property line.

- (6) Buildings where animals are cared for or boarded shall be located no closer than 200 feet from an adjacent residential property line.
- (7) The veterinarian or caretaker of the business may occupy a residence on site as an accessory use.
- (8) A Group 2 buffer, as defined in Section 44-151, shall be provided.
- (9) The disposal methods for wastes generated shall be reviewed and approved by the Environmental Health Section of the County Health Department.
- (10) Signage shall be limited to one nonilluminated sign with a maximum area of sixteen (16) square feet.

This 15th day of March, 2004.

/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Chair Barnes opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

Attorney Martin Pannell spoke on behalf of Ms. Evelyn Setzer and spoke in opposition. He recommended that the Board not approve or delay the recommendation.

Mr. Jerry Mackie said he lives in the Balls Creek area. He said Catawba County is zoned R-2 and the citizens would not want a spot zoning beside their home. He said there is available commercial property in Catawba County. He recommended that the Board deny the ordinance.

Dr. Barber said she approached County Planner Mary George several months ago about this request. The idea of a special use could be assessed on its merits or no merit. Many areas of North Carolina allow veterinary clinics close to homes in residential areas. You don't want the clinics next to businesses. The 29-acre tract she was interested in is bordered on three sides by CommScope's buffer zone in Sherrills Ford. She was interested in a small animal veterinary clinic and was not opposed to a large animal clinic. There is a need for a veterinary clinic in the area.

There being no one else wishing to speak, Chair Barnes closed the public hearing.

After a lengthy discussion, Commissioner Barger made a motion to direct staff to research further and bring back at a later date. The motion carried unanimously.

- b. A rezoning requesting of Little Mountain Airport Associates, Inc. to rezone a 2.78-acre tract from R-1 Residential to O-I Office Institutional. The property is located in the Sherrills Ford Small Area Planning District at 5044 S NC 16 Hwy in the Mountain Creek Township. The parcel is located two miles north of the intersection of NC 16 and NC 150.

Assistant Planner Rich Hoffman said Little Mountain Airport Associates, Inc. was requesting to rezone a 2.78-acre tract from R1 Residential to O-I Office Institutional. There is a house on the subject property. The plan is to convert the house to a use allowed in the district if the rezoning is approved. The developer would comply with all applicable zoning and building codes. He reviewed the surrounding Land Use and Zoning:

-North - Parcel #6 contains the Little Mountain Airport and is zoned E-2 Intensive Manufacturing. Other land north is somewhat developed and zoned R-1 and R-3 Residential.

-East - Parcel #2 has a house approximately 600 feet from the subject parcel and is zoned R-1 Residential. Other land is mainly vacant with some housing and zoned R-1 Residential.

-South – Land is mostly vacant and zoned R-1 Residential.

-West – Parcel #5 is a vacant tract zoned O-I Office Institutional. Other property has some housing and is zoned R-1 Residential.

Mr. Hoffman reviewed the Catawba County Zoning Ordinance, Section 44-80 O-I Office and Institutional District and he reviewed the rezoning history.

The site will be served by a private well and septic tank. There are no public utilities in the nearby vicinity so connection to a public system is not a requirement. Hwy. 16 is designated as a minor arterial in the Catawba County Thoroughfare Plan. Minor arterials, in conjunction with the principal arterial system, form a network that links cities, larger towns, and other major traffic generators. Minor arterials generally serve interstate and inter-county travel with trip lengths somewhat less than the principal arterial system. The 2001 traffic counts north of the parcel on Hwy. 16 were 7,100 vehicle trips per day. The Thoroughfare Plan calls for a carrying capacity of 9,900 vehicle trips per day for this area of Hwy. 16. This segment of Hwy. 16 is identified for construction in the State Transportation Improvement Plan (STIP) beyond the 2010 funding period. The 2004-2010 State Transportation Improvement Plan (TIP) also includes a project to widen Hwy. 16 from Lucia in Gaston County to Jones Fish Camp, (.3 miles south of the subject parcel), and this project is funded.

The Sherrills Ford Small Area Plan was adopted on February 17, 2003, serving as the current land use plan for this area. The plan identifies this area as Residential Density: 1 dwelling per 2 acres; however, the Plan also states "Industrial uses in the Little Mountain Airport area are encouraged to develop in a park-like manner." Staff considers this an extension of the existing O-I Office Institutional District since the property proposed for rezoning adjoins an existing O-I Office Institutional zoned parcel. Staff recommended the rezoning of this property from R-1 Residential to O-I Office Institutional based upon:

- The Sherrills Ford Small Area Plan recognizing the uses in the Little Mountain Airport area;
- The proximity to existing non-residentially zoned properties; and
- The widening of Hwy. 16 as a funded project.

The Planning Board conducted a public hearing on February 23, 2004, and the Planning Board unanimously recommended rezoning the property from R-1 Residential to O-I Office Institutional with a subsequent request to the Board of Commissioners for approval based upon:

- The Sherrills Ford Small Area Plan recognizing the uses in the Little Mountain Airport area;
- The proximity to existing non-residentially zoned properties; and
- The widening of Hwy. 16 as a funded project.

Ordinance No. 2004-07
Amendment to the Catawba County Zoning Map

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, that the Catawba County Official Zoning Atlas is hereby amended by rezoning the following described tract from R-1 Residential to O-I Office Institutional as requested by Little Mountain Airport Associates, Inc.

A 2.78-acre tract located in the Sherrills Ford Small Area Planning District at 5044 S NC 16 Hwy in the Mountain Creek Township being further identified as Parcel ID number 3687-03-04-6817.

This the 15th day of March 2004.

/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Chair Barnes opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

Mr. John Gioffre said he was one of the owners of Little Mountain Airport Associates, Inc., and was available for questions.

There being no one else wishing to speak, Chair Barnes closed the public hearing.

Commissioner Beatty made a motion to approve the aforementioned ordinance for the rezoning requesting of Little Mountain Airport Associates, Inc. to rezone a 2.78-acre tract from R-1 Residential to O-I Office Institutional. The motion carried unanimously.

- c. A rezoning request of Lonnie Kaylor to rezone a 0.62-acre portion of a 1.14-acre tract from R-2 Residential to C-1 Commercial. The property is located in St. Stephens/Oxford Small Area Planning

District at 3957 Springs Road in the Clines Township. The parcel is 200 feet west of the intersection of County Home Road and Springs Road.

Assistant Planner Rich Hoffman said applicant Lonnie Kaylor was requesting to rezone a .62-acre portion of a 1.14-acre tract from R-2 Residential to C-1 Commercial. There is a house on the subject property. If the rezoning is approved and the house is converted to a business use, the developer would comply with all applicable zoning and building codes. Mr. Hoffman reviewed the surrounding Land Use and Zoning:

-North - Parcel #1b is a vacant portion of the subject tract zoned R-2 Residential and can be used as a residential lot with confirmation of zoning and building regulation. Other properties to the north are zoned R-2 Residential and developed with houses.

-East - Parcel #6 is a vacant tract zoned R-2 Residential. Other properties are developed with housing and zoned R-2 Residential.

-South - Parcel #2 is a house and is zoned C-2 Commercial. There is a church and house to the west of parcel #2 zoned C-2 Commercial. Other property south is a combination of businesses and houses, zoned C-2 Commercial and R-2 Residential.

-West - Parcel #3 and #4 have houses and are zoned R-2 Residential. As you go west along Springs Road there are businesses developed with a variety of uses as well as housing.

Mr. Hoffman reviewed the Catawba County Zoning Ordinance Sec. 44-81 C-1 Commercial District, and he reviewed the rezoning history.

According to the owner, there is a functioning private well serving the house. There is also a public waterline fronting the parcel. A requirement to connect to public water would be in the case of a failed well or water demand beyond the limit of the well. County Home Road and Springs Road are designated as major thoroughfares by the Hickory-Newton-Conover Urban Area Transportation Plan (September 2001). Major thoroughfares are defined as primary traffic arteries of the urban area. Their purpose is to move traffic from city to city and within urban areas; therefore, strip development and multiple driveway access is to be discouraged. The most recent traffic counts are 11,000 Average Daily Trips (ADT) on Springs Road traveling north from the intersection of County Home Road and 4,000 ADT on County Home Road traveling south from the intersection of Springs Road. The Transportation Plan projected an ADT (Average Daily Trips) of 10,000 at the intersection of County Home Road and Springs Road, which is already exceeded. The Transportation Plan recommends a left turn lane at the intersection of County Home Road and Springs Road. This is an unfunded project at this time. The Transportation Plan projects traffic on the 2-lane section of Springs Road going north from County Home Road to NC Hwy. 16 to double to 22,000 ADT by 2025. This capacity is beyond the practical capacity of a 2-lane road; therefore the Transportation Plan recommends that this section of Springs Road be widened to a 4-lane divided boulevard with grass median. The St. Stephens/Oxford Small Area Plan also recommends the widening of Springs Road to a four lane with landscape median. This is an unfunded project in the 2004-2010 State Transportation Improvement Plan (STIP). The St. Stephens/Oxford Small Area Plan was adopted on April 21, 2003 serving as the current land use plan for this area. This plan identifies Springs Road as a Commercial Corridor. The Commercial Corridor would start at the intersection of County Home Road and Springs Road and extend west along Springs Road to the study area boundary. The subject parcel is within the recommended Commercial Corridor.

Staff recommended the rezoning of this property from R-2 Residential to C-1 Commercial based upon:

- The St. Stephens/Oxford Small Area Plan recognizing this area as a Commercial Corridor;
- The property's proximity to existing commercially zoned properties.

The Planning Board conducted a public hearing on February 23, 2004, and unanimously recommended rezoning the property from R-2 Residential to C-1 Commercial with a subsequent request to the Board of Commissioners for approval based upon:

- The St. Stephens/Oxford Small Area Plan recognizing this area as a Commercial Corridor;
- The property's proximity to existing commercially zoned properties.

Ordinance No. 2004-08
Amendment to the Catawba County Zoning Map

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, that the Catawba County Official Zoning Atlas is hereby amended by rezoning the following request of Lonnie Kaylor described tract from R-2 Residential to C-1 Commercial.

A .62-acre portion of a 1.14-acre tract located in the St. Stephens/Oxford Small Area Planning District at 3957 Springs Road in the Clines Township being further identified as a portion of Parcel ID number 3734-13-12-9556, being Tract 1A according to a survey and plat made by J. Mike Honeycutt, dated 1-14-04.

This the 15th day of March 2004.

/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Chair Barnes opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chair Barnes closed the public hearing.

After a brief discussion, Commissioner Lail made a motion to approve the aforementioned ordinance for the rezoning request of Lonnie Kaylor to rezone a 0.62-acre portion of a 1.14-acre tract from R-2 Residential to C-1 Commercial. The motion carried unanimously.

- d. A rezoning request of Marc 1 Realty to rezone a 1.07-acre tract from R-2 Residential to O-I Office Institutional. The property is located in the Sherrills Ford Small Area Planning District at 5961 E NC 150 Highway in the Mountain Creek Township. The parcel is 0.8 miles east of the intersection of NC 16 and NC 150.

Assistant Planner Rich Hoffman said Marc 1 Realty was requesting to rezone a 1.07-acre tract from R-2 Residential to O-I Office Institutional. There is a house on the subject property. If the rezoning is approved and the house is to be used as an office, the developer would comply with all applicable zoning and building codes. He reviewed the surrounding Land Use and Zoning:

-South – The area is mostly vacant and zoned R-2 Residential.

-West – Parcel #7a is a veterinarian office and zoned C-2 Commercial. Parcel #8 is currently vacant and zoned C-2 Commercial. Other properties to the west are partially developed and contain a mix of R-2 Residential and C-2 Commercial. The intersection of Hwy 16 and Hwy 150 is .8 miles to the west, zoned C-2 Commercial and developed commercially.

-North - Parcel #5 across Hwy 150 is a vacant property zoned R-2 Residential. Other properties to the north are zoned R-2 Residential and developed with houses and some vacant property.

-East - Parcel #6 has a house and is zoned R-2 Residential. Other properties are developed with housing and zoned R-2 Residential. As you go farther east about .5 miles you approach the Grassy Creek intersection where there is an area of C-1 and C-2 Commercial zoning.

Mr. Hoffman reviewed the Catawba County Zoning Ordinance, Section 44-80 O-I Office and Institutional District, and he reviewed the rezoning history.

Mr. Hoffman said public water is anticipated to front the parcel by July 2004. Any connection requirements would be through the Utilities and Engineering Department and would be based upon the distance the waterline is to the parcel and the water demand of the use. A wastewater study is also underway. NC Highway 150 is designated as a minor arterial road on the Catawba County Thoroughfare Plan. This system, in conjunction with the principal arterial roads, forms a network that links cities, larger towns, and other major traffic generators. According to the Thoroughfare Plan, NC Highway 150 has a road carrying capacity of 9,900 vehicle trips per day. The 2001 traffic counts at the intersection of Hwy. 150 and Hwy. 16 were 9,400 vehicle trips per day. The Thoroughfare Plan recommends Hwy 150 to be widened to a four-lane road from NC 27 in Lincolnton to I-77 just west of Mooresville; however, this project is only funded in the State Transportation Improvement Plan (STIP) plan for planning and environmental study, not for construction. The Sherrills Ford Small Area Plan was adopted on February 17, 2003, serving as the current land use plan for this area. The plan identifies this area as the Hwy. 150 Corridor-Office Institutional/Mixed Residential area. Staff recommended the rezoning of this property from R-2 Residential to O-I Office Institutional based upon:

- The Sherrills Ford Small Area Plan recognizing this area as the Hwy 150 Corridor-Office Institutional/Mixed Residential area;
- The location to existing commercially zoned properties;
- The O-I Office Institutional District zoning to provide a buffer between G2 Commercial and R-2 Residential property.

The Planning Board conducted a public hearing on February 23, 2004. The Planning Board unanimously recommended rezoning the property from R-2 Residential to O-I Office Institutional with a subsequent request to the Board of Commissioners for approval based upon:

- The Sherrills Ford Small Area Plan recognizing this area as the Hwy 150 Corridor-Office Institutional/Mixed Residential area;
- The location to existing commercially zoned properties;
- The O-I Office Institutional District zoning to provide a buffer between G2 Commercial and R-2 Residential property.

**Ordinance No. 2004-09
Amendment to the Catawba County Zoning Map**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, that the Catawba County Official Zoning Atlas is hereby amended by rezoning the following described tract as requested by Marc 1 Realty from R-2 Residential to O-I Office Institutional.

A 1.07-acre tract located in the Sherrills Ford Small Area Planning District at 5961 E NC 150 Highway in the Mountain Creek Township, being further identified as Parcel ID number 3686-12-97-9166.

This the 15th day of March 2004.

/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Chair Barnes opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chair Barnes closed the public hearing.

Commissioner Barger made a motion to approve the aforementioned ordinance for the rezoning request of Marc 1 Realty to rezone a 1.07-acre tract from R-2 Residential to O-I Office Institutional. The motion carried unanimously.

9. Appointments:

Industrial Facilities & Pollution Control Financing Authority

Commissioner Hunsucker nominated Charles Snipes for reappointment to a fourth, six-year term and nominated Steve Aaron for a first, six-year term to replace Claude Emmet Hefner who did not wish to serve a sixth term. Terms will expire March 31, 2010.

Community Service Block Grant Advisory Board (CSBG)

Commissioner Barger nominated Diana Williams for reappointment to a fifth, three-year term beginning July 1, 2003, and ending June 30, 2006.

Newton Planning & Zoning Planning Board

Commissioner Barger nominated C. Brevard Arndt for reappointment to a fourth, three-year term beginning April 1, 2003, and ending March 31, 2006.

Jury Commission

Commissioner Barger nominated Robert "Bob" Sanford for appointment to a first, two-year term ending June 30, 2005. Mr. Sanford replaces Albert C. Lee who did not wish to be reappointed.

CVCC Board of Trustees

Commissioner Barger recommended that he be nominated for reappointment to a second, four-year term beginning July 1, 2004, and ending June 30, 2008.

Subdivision Review Board

Commissioner Barger nominated Jeff Mitchell for reappointment to second, two-year term beginning July 1, 2004, and ending June 30, 2006.

There being no further nominations, Commissioner Hunsucker made a motion to approve the aforementioned appointments. The motion carried unanimously.

10. Consent agenda:

County Manager J. Thomas Lundy presented the following consent agenda items:

a. Sale of Voting Equipment and Voting Booths.

General Statute 160A-274 authorizes the sale, lease, exchange and joint use of governmental property. Under this statute, a governmental unit may transfer personal property to another governmental unit with or without consideration. The statute does require action to be taken by the governing body of the governing unit. The Board of Elections has forty-five (45) Optech III – P Eagle voting machines to surplus. Cleveland County has requested to purchase all forty-five (45) at a cost of \$500 each and Alexander County has requested to purchase thirty (30) voting booths at a cost of \$50 each. These funds will be appropriated to educate and inform the public and election volunteers on the use of the new voting equipment. The Finance and Personnel Subcommittee recommended that the Board of Commissioners adopt the following resolution and appropriate \$24,000 for training.

Revenue:		
Proceeds from Sale of Equipment	410 460100 692250	\$24,000
Expenses (for training):		
Voting Equipment	410 460100 985000 11401	\$24,000

Resolution No. 2004- 04

Declaration of Surplus Property and Sale to Cleveland County and Alexander County

WHEREAS, the County has the authority to transfer property no longer needed as surplus and sale said property to another governmental unit according to the precepts of NCGS 160A-274; and

WHEREAS, the following property is no longer needed for any governmental use by Catawba County:

45 Optech III – P Eagle voting machines
30 voting booths

WHEREAS, the voting machines shall be sold to Cleveland County at a cost of \$500 each and the voting booths shall be sold to Alexander County at a cost of \$50 each; and

WHEREAS, the funds will be used to educate and inform the public and election volunteers on the use of the new voting equipment.

NOW, THEREFORE, BE IT RESOLVED, that the Catawba County Board of Commissioners hereby declares said property as surplus and authorize the sale to Cleveland County and Alexander County.

This the 15th day of March, 2004.

/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners

b. Donation of Vehicle to Work and Ride Program.

The Work and Ride Program is a partnership between Social Services, Cooperative Christian Ministries and the Faith Community Task Force on Poverty. The program is designed to connect donated, roadworthy cars with low-income adults who need reliable transportation because they are working or attending training leading to employment. The vehicles are checked out by a mechanic at no cost to the donor and are stored with the mechanic until awarded. A selection committee conducts

a screening process on all applications to ensure the program's goals are met. The applicant must show financial need, prove transportation is a significant barrier in obtaining or keeping a job, have a driver's license, a good driving record, and commit to attending a budgeting and basic car repair class. Many of the applicants are current or former Work First recipients. General Statute 160A-279 states that a county may convey to a public or private entity surplus automobiles without compensation or without the requirement that the automobiles be used for a public purpose if the vehicles are given to Work First participants. The recipients are to be selected by the Department of Social Services under the rules adopted by the local department. Social Services can require an appropriate security interest in the vehicle, including a lien or lease, until such time as the Work First participant satisfactorily completes the requirements of the Work First program. The participant may be required to pay for license, tag, and/or title. The Finance and Personnel Subcommittee recommended that the Board of Commissioners adopt the following resolution:

Resolution No. 2004-05

Declaration of Surplus Property and Donation to the Work and Ride Program – Work First

WHEREAS, Catawba County has the authority to declare property no longer needed as surplus and donate said property to the precepts of NCGS 160A-279; and;

WHEREAS, the following property is no longer needed for any governmental use by Catawba County:

1990 Chevrolet Lumina

WHEREAS, the Work and Ride program is a partnership between Social Services, Cooperative Christian Ministries and the Faith Community Task Force on Poverty; and

WHEREAS, the Work and Ride program provides donated, roadworthy vehicles to low income adults who need reliable transportation to seek or maintain employment; and

WHEREAS, the Catawba County Board of Commissioners by this resolution donate the vehicle specified above to the Work and Ride program; and

WHEREAS, said vehicle shall be given to the Work First participant as selected by the Catawba County Department of Social Services.

NOW, THEREFORE, BE IT RESOLVED that the Catawba County Board of Commissioners hereby declares said property as surplus and authorizes the vehicle to be donated to the Work and Ride program.

This the 15th day of March, 2004.

/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners

c. **Sale of Personal Property by Electronic Public Auction.**

General Statute 160A-270 allows public agencies to conduct electronic auctions for the sale of real or personal property. A newspaper advertisement is required that identifies the electronic address at which information about the property to be sold may be found as well as the electronic address at which information about the property to be sold may be found as well as the address where bids may be posted. Catawba County has been using www.govdeals.com electronic auction to sell items valued at less than \$5,000 since August 2003. These items were sold under the local regulations, authorizing the sale of surplus property without Board of Commissioner approval. Most of the items sold to date have been computers, printers and a small amount of furniture. Staff has been pleased with the results, and in most cases receive two to three times more than it would at a typical public auction. Staff received good participation from the local community and have also received bids from as far away as Florida. Several North Carolina agencies now also use GovDeals. The City of Winston-Salem has vehicles posted currently and is pleased with the bidding so far. GovDeals has offered to print flyers with pictures and send to their previous buyers list. The electronic auction will be advertised in the local newspaper and flyers will be mailed to previous participants of the public auctions. The Board of Commissioners is requested to authorize the sell by electronic auction because of the dollar value could be over \$5,000 for some of the vehicles. Four of the vehicles to be

sold are narcotic seized vehicles: 1992 Chevrolet Lumina, 1988 Dodge Ram Van, 1989 Toyota 4x4 Pickup and 1987 Mercedes-Benz. The four Dodge B350 Vans are from the Piedmont Wagon agency. The Finance and Personnel Subcommittee recommended that the Board of Commissioners adopt the following resolution.

Resolution No. 2004-06
Declaration of Surplus Personal Property and Authorizing the Sale by Electronic Public Auction

WHEREAS, G.S. 160-270(b) allows the Catawba County Board of Commissioners to sell personal property at public auction upon adoption of a resolution authorizing the appropriate office to dispose of property at public auction; and

WHEREAS, the following property is no longer needed by any governmental use by Catawba County:

1990 Ford Ranger; 1989 Ford F350 Super Duty 1989 Chevrolet Blazer, 1993 Ford F150 Pickup, 1992 Chevrolet Lumina, 2000 Ford Crown Victoria, 1997 Ford Crown Victoria, 1988 Dodge Ram Van, 1989 Toyota 4X4 Pickup, (2) 1994 Freightliner FI-60 Ambulance, 1987 Mercedes-Benz, 1995 Dodge B350 Van, (2) 1997 Dodge B350 Van, 1998 Dodge B350 Van, 1985 Ford E350 Van

WHEREAS, it is the intent of the County to sell said items by electronic public auction at www.govdeals.com beginning 8:00 a.m. April 1, 2004, and ending 7:00 p.m. April 7, 2004; and

WHEREAS, be it resolved, by the Catawba County Board of Commissioners that the Purchasing Agent is authorized to sell by electronic auction at www.govdeals.com beginning 8:00 a.m. April 1, 2004, and ending 7:00 p.m., April 7, 2004, the surplus property described above; and

WHEREAS, all items to be sold as is, all sales final, cash or certified check only.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners hereby declares said property as surplus and authorizes the Purchasing Agent to sell said property at public auction to the highest bidder.

This the 15th day of March, 2004.

/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners

d. Refund Requests.

Eight refund requests totaling \$9,890.21 were made to the Tax Office. The records were checked and the refunds verified. The Tax Collector requested approval of the refund requests. According to General Statute 105-381, a Taxpayer who has paid his taxes may request a refund (in writing) for the amount that was paid through error.

Refund Requests - March, 2004

Brannock, William, 1745 Rivermont Drive, Hickory, NC 28602-9031, Account No. 7146500

In 2003 Mr. Brannock incorrectly paid taxes on a 1998 Hort Mobile Home, size 14 x 68, which he had sold in 2002. This mobile home was listed and taxes paid under Account No. 172172 (Earl A. Travis) for 2003. Mr. Brannock has requested a refund of his overpayment of taxes.

<u>Year</u>	<u>Value</u>	<u>County</u> <u>Rate</u>	<u>Tax</u>	<u>Propst Fire</u> <u>Rate</u>	<u>Tax</u>	<u>Late-List</u> <u>Penalty</u>	<u>Total</u>
2003	12,430	.480	59.66	.065	8.08	10%	6.78 \$74.52

Brown, Thomas Walker and Judy B., 3738 Annette Drive, NE, Hickory, NC 28601-9710, Account No. 8126500

For 2003 Parcel 3714-10-46-0437.0000 was appealed to the Property Tax Commission. Pursuant to the appeal, a representative of the PTC inspected the property and reviewed the appeal with Mr. and Mrs. Brown and the Catawba County tax office. Following this review, an agreement was satisfactorily

reached. Per Change Order 2003 PTC 201 dated February 19, 2004, the total real estate valuation was adjusted from 159,700 to 155,700. A refund is requested for the amount of overpayment in taxes.

<u>Year</u>	<u>County</u> <u>Value</u>	<u>Rate</u>	<u>Tax</u>	<u>Total</u>
2003	4,000	.480	19.20	\$ 19.20 *

* This is in the City of Hickory.

Centura Bank Leasing, Attn: Nancy Blaisdell. PO Box 500, Rocky Mount, NC 27802-0500

Account No. 129710

A 2002 Kenworth Truck leased by Stanley Crater Trucking was listed in error for 2003 as an untagged vehicle in Catawba County. Verification has been received that this vehicle is tagged in Illinois. Centura Bank has requested a refund of their overpayment of taxes for 2003.

<u>Year</u>	<u>County</u> <u>Value</u>	<u>Rate</u>	<u>Tax</u>	<u>Denver Rural</u> <u>Rate</u>	<u>Tax</u>	<u>Total</u>
2003	59,770	.480	286.90	.029	17.51	\$304.41

James, John R., 645 Heather Drive, Lincolnton, NC 28092-8537, Account No. 35670250

In 2003 Mr. James was incorrectly billed for a 1995 Thundercraft I/O Boat that he does not own. He incorrectly paid the taxes for this boat and is requesting a refund of his overpayment.

<u>Year</u>	<u>County</u> <u>Value</u>	<u>Rate</u>	<u>Tax</u>	<u>Sherrills Ford</u> <u>Rate</u>	<u>Tax</u>	<u>Total</u>
2003	8,760	.480	42.05	.040	3.50	\$45.55

Johnson, Kevin Lee, 3938 Burton Street, Sherrills Ford, NC 28673-7855, Account No. 36309500

Mr. Johnson's 1989 Dixie I/O Boat was incorrectly valued at 5,150 for 2003. Correct information on this boat provided by the taxpayer warrants a reduction in value to 3,345. Since the 2003 taxes have been paid, Mr. Johnson has requested a refund for his overpayment.

<u>Year</u>	<u>County</u> <u>Value</u>	<u>Late-List</u> <u>Rate</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
2003	1,805	.480	8.66	10% .87	\$9.53 *

* This is in the City of Newton.

Louis Silver LLC, c/o Regency Home Fashions Inc., Attn: Mr. Jerry Yoskowitz, 261 – 5th Avenue, New York, NY 10016, Account No. 000103405

For 2003 Parcel 3741-15-54-8798.0000 (Regency Home Fashions Inc) was appealed to the Property Tax Commission. Per Change Order 2003 PTC 40 dated January 20, 2004, the total real estate valuation was adjusted from 5,293,000 to 4,296,500. A refund is requested for the amount of their overpayment in taxes.

<u>Year</u>	<u>County</u> <u>Value</u>	<u>Rate</u>	<u>Tax</u>	<u>Interest *</u>	<u>Total</u>
2003	996,500	.480	4,783.20	59.79	\$4,842.99 **

* Interest is figured from date of payment of taxes (12-15-03) through March 15, 2004.

** This is in the City of Conover.

Pierre Foods, Attn: Mr. Rick Rumpler, 9990 Princeton Road, Cincinnati, OH 45246

Account No. 71407940

Corporate Tax Management Inc. filed an amended tax listing for Pierre Foods for tax year 2003. As a result of this filing, Catawba County has determined that their client is entitled to a refund of personal property taxes overpaid in tax year 2003. A refund is requested for the applicable overpayment.

<u>Year</u>	<u>County</u> <u>Value</u>	<u>Rate</u>	<u>Tax</u>	<u>Total</u>
2003	946,338	.480	4,542.42	\$4,542.42*

*This is in the City of Claremont.

Windsor, Alfred Wayne and Sybil S., PO Box 211, Conover, NC 28613-0211, Account No. 75875500
Mr. & Mrs. Windsor incorrectly paid Catawba County taxes on a 1988 I/O Boat for years 2002 and 2003. It has been verified this boat has been listed and taxes paid in Alexander County. Mr. & Mrs. Windsor have requested a refund for their overpayment of taxes.

<u>Year</u>	<u>Value</u>	<u>County</u>		<u>Claremont Rural</u>		<u>Late-List</u>		<u>Total</u>
		<u>Rate</u>	<u>Tax</u>	<u>Rate</u>	<u>Tax</u>	<u>Penalty</u>		
2003	4,350	.480	20.88	.070	3.05	---		23.93
2002	4,450	.495	22.03	.070	3.12	10%	2.51	<u>27.66</u>

Total Refund \$51.59

- e. Request to use Justice Center Grounds.

Staff recommended that the Board of Commissioners approve a request from Assistant Clerk of Superior Court Amy Goforth for use of the Justice Center Grounds on Saturday, May 1, 2004, from 6:00 a.m. until 1:00 p.m. for a yard sale. Proceeds from the yard sale will be donated to the American Cancer Society.

Commissioner Hunsucker made a motion to approve the consent agenda. The motion carried unanimously.

End Consent Agenda

11. Departmental Reports:

- a. Public Health Department:

1. Unifour Early Action Compact Resolution.

Public Health Director Barry A. Blick said Catawba County has entered a partnership referred to as the Early Action Compact (EAC) with other jurisdictions throughout this region the Federal Environmental Protection Agency (EPA), and the North Carolina Department of Environment and Natural Resources. By forming this coalition, all parties have agreed to taking actions that will bring this region into compliance with federal ozone air quality standards at an accelerated pace. The EPA has agreed to deferring sanctions associated with designation as a non-attainment area from December 2004 to December 2007 as long as all provisions of the EAC are followed. An important first step in honoring the provisions of the EAC is for each local jurisdiction to agree to emission reduction strategies that will result in lower ozone levels. Fourteen emission reduction strategies have been developed through a collaborative effort involving representation from the four Unifour counties and municipalities within the area. Many governing boards of these local jurisdictions have already approved the referenced resolution. The Catawba County Health Director, as a member of the Unifour Air Quality Committee, respectfully requests the Catawba County Board of Commissioners adopt the resolution as submitted, which by reference indicates approval of the Ozone Control Measures referred to as the Unifour Early Action Compact Emission Reduction Strategies.

Commissioner Lail made a motion to approve the following Unifour Early Action Compact Resolution. The motion carried unanimously.

Resolution No. 2004-07 Ozone Control Measures

Whereas, by resolution of their governing boards, four Unifour counties (Alexander, Burke, Caldwell, Catawba) and six municipalities (Conover, Hickory, Lenoir, Morganton, Newton, Taylorsville) formed the Unifour Air Quality Early Action Compact (EAC) in December 2002; and

Whereas, this Region currently exceeds the Environmental Protection Agency's (EPA's) eight-hour standard for ozone but desires to achieve cleaner, healthier air and thereby avoid the consequences of designation as a "nonattainment area;" and

Whereas, by forming the Unifour EAC and working in partnership with the N.C. Division of Air Quality and EPA, the Region can defer the effective date of designation as an ozone

nonattainment area from December 2004 to December 2007, thereby gaining time to implement ozone reduction measures and attain the eight-hour standard; and

Whereas, the Western Piedmont Council of Governments, on behalf of their member governments, appointed the Unifour Air Quality Committee (Stakeholders Group), consisting of public officials, representatives of the environmental community, business and industry, to develop ozone reduction strategies for local government adoption; and

Whereas, the UAQC engaged in an extensive process of education, data evaluation, and public participation, leading to development of the attached Ozone Control Measures, which it recommends for approval;

Now Therefore Be It Resolved that the Catawba County Board of Commissioners hereby approves the Ozone Control Measures; and

Further that, Catawba County will use applicable strategies as policy guidelines in decisions affecting purchasing, workplace practices, evaluation and implementation of capital projects, transportation and land use planning, and communications with its citizens; and

Further that, That Catawba County will, along with other jurisdictions in the region, participate in providing information to the N.C. Division of Air Quality in order to track the Region's progress in lowering ozone producing emissions; and

Further that, a copy of this Resolution along with the Ozone Control Measures be forwarded to the Environmental Protection Agency and the N.C. Division of Air Quality for inclusion in the preliminary Unifour Early Action Plan for attainment of the eight-hour ozone standard.

Adopted this 15th day of March, 2004.

ATTEST:

/s/ Thelda B. Rhoney
County Clerk

/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Unifour Early Action Compact Emission Reduction Strategies						
Emission Reduction Strategy		Description and analysis of how the strategy will be implemented	Estimate of emission reductions (if available/details on status	Date of Implementation	Resource Concerns/Constraints	Geographic area and/or local government
1.	Local governments join and participate with the private sector in the NC Air Awareness Program	Division of Air Quality (DAQ) and WPCOG will encourage local governments and the private sector to join the Air Awareness Program.	Not quantifiable, but effective	2003/ongoing	Need the Division of Air Quality’s support and coordination assistance	Unifour Area All stakeholders
2.	Enhanced Ozone Awareness (Outreach-Communication): assign a local agency to develop and implement an aggressive program to educate and motivate individuals and businesses/organizations, to take actions to minimize ozone pollution. Can include a wider distribution of educational materials, increased media alerts, promoting NC Air Awareness program, etc.	All EAC members will coordinate program.	Not quantifiable, but effective	2003/ongoing	WPCOG will need education materials	Unifour Area All stakeholders
3.	Evaluate the benefits of participation in the Clean Cities program	WPCOG will coordinate program if UAQC desires to participate	Not quantifiable, but effective	2003/ongoing	None	Unifour Area All stakeholders
4.	City and County Energy Plan (Energy Conservation Plan): An energy plan could be developed that directs city & county departments to reduce energy use. This could include new construction standards for new buildings, retrofitting city/county buildings, schools, & street lights for energy efficiency, and energy renewable sources i.e. Sustainable Building Design Stds. “Energy Star” Program, white roofs, etc., promoting transportation alternatives, and encouraging recycling & composting.	Local governments will develop their own energy plan (possibly involve Cooperative Extension Service)	Not quantifiable, but effective	2005/ongoing	Need outside expertise to develop plans	Unifour Area All stakeholders
5.	Assign staff to become air quality contact	Local governments will designate staff member as air quality contact person	Not quantifiable, but effective	2003/ongoing	None	Unifour Area All stakeholders
6.	Adopt a local clean air policy & appoint a stakeholder group to identify & recommend locally feasible air improvement actions	Unifour Air Quality Committee (UAQC) will continue to serve as this group	Not quantifiable, but effective	2003/ongoing	None	Unifour Area All stakeholders
7.	Landscaping Standards: Planted trees and vegetative landscaping reduce the need for air conditioning, reduce the heat island effect in urban areas, and reduce energy usage. Landscaping and tree ordinances could be drafted to establish minimum tree planting standards for new development; and to promoted strategic tree planting, street trees, and parking lot trees “Urban Forests Program”	All local governments should develop tree and landscaping ordinances. Local governments should educate and encourage citizen participation with tree and other vegetative plantings. Riparian buffer regulations should also be supported	Not quantifiable, but effective	2005 (Some in 2003)	None	Unifour Area All stakeholders
8.	Implement Smart Growth, mixed use, and infill development policies.	Encourage compact development to reduce travel and promote Smart Growth concepts and redevelopment activities	Not quantifiable, but effective	2005 (Some in 2003)	None	Unifour Area All stakeholders
9.	Develop plans to encourage bicycle and pedestrian usage.	Each EAC member will develop plans within a regional context.	Not quantifiable, but effective	2005 (Some in 2003)	None	Unifour Area All stakeholders
10.	Discourage Open Burning on Ozone Action Days (Pledge Program)	Request all major land development and grading businesses to sign pledges to not engage in open burning activities on high ozone days.	Will survey participants for # of days that open burning did not occur	2003/ongoing	None	Unifour Area All stakeholders
11.	Support Coordination of Metropolitan Planning Organization (MPO) and Rural Planning Organization (RPO) efforts	MPO and RPO will coordinate transportation and air quality planning efforts	Not quantifiable, but effective	2003/ongoing	None	Unifour Area All stakeholders
12.	Encourage the use of compressed work weeks or flexible work hours, which helps reduce traffic congestion during the peak driving hours by spreading out the number of vehicles on the roadway over a longer period of time	MPO and RPO will promote benefits of telecommuting, flexible work hours and staggered work schedules	Will determine # of participants and estimate reduction in VMT	2004/ongoing	None	Unifour Area All stakeholders
13.	Expand Transit and Ridesharing programs (carpooling/vanpooling). These are options where employers living in the same area agree to ride to work together rather than to drive their individual vehicles to work.	MPO and RPO and local governments will educate and promote these benefits Produce Maps to locate employees to assist with ridesharing programs	Will determine # of participants and estimate reduction in VMT	2004/ongoing	None	Unifour Area All stakeholders
14.	Improve traffic operational planning, engineering and maintenance for existing and future transportation infrastructure.	MPO, RPO, NCDOT, and municipalities, will expand traffic operational and engineering technologies (signal timing, signing, message boards, etc., and other intelligent transportation strategies)	Not quantifiable, but effective	2004/ongoing	None	Unifour Area Municipalities & NC DOT

b. Emergency Services Department:

1. Request for Fund Balance by Sherrills Ford-Terrell Fire/Rescue.

Emergency Services Director David A. Weldon said the Chief of Sherrills Ford-Terrell Fire/Rescue made a request to use their fund balance to purchase and install a multi-media projector to be used for training, and eight Self-Contained Breathing Apparatus (SCBA) Voice Amplifiers for air packs. The multi-media projector will be used for the Catawba County EMS Continuing Education Program for Emergency Medical Responders as well as Fire/Rescue training. Once Catawba County EMS received the "Model" EMS Status with the state of North Carolina, the new training program was designed to meet the increased number of students as well as provide consistent c se material. This was possible by the use of computer-aided presentations (Power Point). Having this installed at Sherrills Ford-Terrell Fire/Rescue Base #2 will reduce the amount of AV equipment that must be routinely transported to their base for these classes. Currently, there are 23 separate classes each month held in the County for this continuing education program. The County has three projectors used by staff to provide this training at the various bases. The purchase of this projector by Sherrills Ford-Terrell Fire/Rescue will make scheduling of training and AV equipment simpler. The total cost of the projector, including electrical permits, wiring, mounting hardware and installation is \$5,110.00. The SCBA Voice Amplifiers are used in conjunction with the Air Packs. This allows the voice of the person wearing the air pack to be heard outside of the facemask. This is critical when attempting to communicate with victims as well as other emergency services personnel at an incident. Total cost of these units \$2112.00. In the 1997-98 budget year, County Management and the Rescue Association decided that funds unspent from capital budgets of each squad would be maintained in a fund balance for that squad until those funds were utilized. All capital funds unspent beginning with the 1998-99 budget would go to a general pool fund for future projects of rescue squads. These funds would be under the direction of the rescue association and each squad would be able to apply to the association for funding from this pool. The association would make a recommendation to the County for the use of these funds through an effective plan. The Finance and Personnel Subcommittee recommended that the Board of Commissioners approve \$7,222 fund balance. This action will leave a zero balance in Sherrills Ford-Terrell's fund balance account.

Rescue Squad Fund Balance	Rescue Operating and Capital
240-260250-690100 \$7,222	240-260250-866100 \$7,222

Commissioner Barger made a motion to approve the request for Fund Balance by Sherrills Ford-Terrell Fire/Rescue in the amount of \$7,222. The motion carried unanimously.

2. Supplemental Appropriation of Funds for the Implementation of Homeland Security Grants.

Emergency Services Director David A. Weldon said Catawba County Emergency Services has been pursuing grants made available through the Office of Homeland Security since 2002, and Catawba County Emergency Services has been successful in receiving six such grants. He said the Finance and Personnel Subcommittee recommended that the Board of Commissioners appropriate funds in the amount of \$526,719 to be used to implement six Homeland Security grants received during the 2002-2004 grant cycle. All six grants require upfront funding by the County with repayment upon receipt or required completion deliverables.

The first was secured by a Memorandum of Agreement (MOA) DOJ #56-600000181-A in 2002 to be combined with the second grant which was received in 2003 to fund a Regional Bioterrorism Tabletop Exercise that will take place on March 24, 2004. The amount of both exercise grants total \$23,522. The grants will pay for staff overtime, exercise materials, supplies and meals.

The third grant was issued to Catawba County Emergency Services in 2002 through the NC Department of Crime Control and Public Safety for the purposes of reviewing and adding a bioterrorism annex to the County's Multi Hazard Plan. This will be accomplished by purchasing a web-based software package entitled E-Plan and also contracting with a graduate student from Appalachian State to gather and input data. The delay was to allow information learned from the tabletop exercise mentioned in the previous grants to be used

when reviewing and writing the County's Multi-Hazard Plan. The total allotted for this grant is \$27,300.

The fourth grant HS-MU-03-2018 in the amount of \$436,112 will be used to purchase equipment for WMD/Bioterrorism response by all Emergency Services responders. The equipment priorities and quantities were decided and approved by the Emergency Services Planning Committee. This equipment will be issued to Emergency Services agencies and include: Communications interoperability equipment, hazardous material mass decontamination equipment, technical search and rescue, mobile air systems, chemical detection equipment, equipment trailers, and mass casualty equipment.

The fifth grant is the amount of \$10,000 and will be utilized solely for the development of Community Emergency Response Teams. This was President Bush's initiative created to prepare and involve citizens in disaster response. This grant will be used to equip and train Catawba County's first CERT team that will be used for a template to develop other teams.

The final grant in the amount of \$29,785 is awarded to Catawba County EMS through the North Carolina Department of Health and Human Services, Division of Facility Services, Office of Emergency Medical Services (OEMS) and will be utilized to purchase kits for storing valuables of decontaminated individuals if there were a terrorist event. VHF/UHF units will be purchased and utilized on department response vehicles to help ensure communications between health care facilities, state and local health departments, and education of responders to the Hazardous Materials Operations level.

Revenue		Expense	
110-260060-631835	\$496,934	110-260060-831090	\$216,328
ES Dept of Justice Grant		Other Miscellaneous Operating Supplies	
		110-260060-849186	\$23,522
		Bioterrorism Grant Expense	
		110-260060-857900	\$14,300
		Other Contracted Services	
		110-260060-870100	\$10,000
		Small Tools and Minor Equipment	
		110-260060-982000	\$103,000
		Data Processing Equipment	
		110-260060-985000	\$129,784
		Other Equipment	
110-260150-620415	\$29,785	110-260150-833010	\$ 3,190
Bioterrorism Grant		Medical Supplies	
		110-260150-841020	\$ 6,990
		Training & Education	
		110-260150-985000	\$19,605
		Other Equipment	

Commissioner Beatty made a motion to approve the Supplemental Appropriation of Funds for the Implementation of Homeland Security Grants in the amount of \$526,719. The motion carried unanimously.

12. Attorneys' Report.

- a. County Attorney Robert Oren Eades reported on the EPA's decision about particulate matter. Attorney Eades said he is working to retained specialized legal counsel Allen McConnell from Raleigh (that assisted Davidson County) to preserve Catawba County's rights to challenge the decision. A petition will be filed for administrative review by March 17, 2004.

b. Criminal Justice Partnership Program Grant.

Staff Attorney Debra Bechtel requested authorization to submit a Grant for Criminal Justice Partnership Program (CJPP) in the amount of \$112,401. No matching funds are required. A majority of the funds are for substance abuse treatment and transportation. Cognitive Connections has been selected as the provider for substance abuse services with Catawba County Mental Health as the grant administrator. The CJPP provides an effective bridge between the criminal justice system and community agencies for Intermediate Sanction offenders on supervised probation who are at risk of incarceration. Through a detailed needs assessment, appropriate referrals and treatment services, the partnership program seeks to combine the influence of community based legal sanctions and non-incarceration punishments with structured services in the community. By providing treatment services appropriate to the offenders needs, the program seeks to address those issues that maintain criminal lifestyles for offenders. Utilizing the State's accepted offender management model, the program seeks to provide those services that will decrease criminal involvement and increase productive, socially acceptable behaviors.

Commissioner Hunsucker made a motion to authorize staff to submit a Grant for Criminal Justice Partnership Program (CJPP) in the amount of \$112,401. The motion carried unanimously.

13. Manager's Report:

a. Register of Deeds Salary.

County Manager J. Thomas Lundy said North Carolina General Statute 153A-92 provides that the Board of Commissioners may reduce the salary of an officer to be elected in a general election. Ms. Ruth Mackie is retiring at the end of her present term, having serviced the citizens of Catawba County as Register of Deeds for 36 years. The filing fee for this office is 1 percent of the established annual salary. The filing period begins April 26, 2004, and Board action now would enable candidates to pay the correct filing fee and to know the established salary well before the filing date and primary election. The current salary range for the Register of Deeds is \$47,405 to \$73,554. This pay range has been recently studied by Personnel and found to be competitive with neighboring and similar size counties. Current County policy allows a Department Director to hire new employees up to 12.5 percent above the minimum starting salary of the position's salary range. Starting salaries above this amount require the County Manager's approval. Staff recommended that the Board of Commissioners adopt a resolution to establish the salary for the Register of Deeds at \$53,330 per year to take effect when the newly elected Register of Deeds takes office.

**Resolution No. 2004-08
Register of Deeds Salary**

WHEREAS, North Carolina General Statute 153A-92 provides that the Board of Commissioners may reduce the salary of an officer to be elected in a general election; and

WHEREAS, Ruth Mackie, Register of Deeds, is retiring after 36 years of excellent and dedicated service to the citizens of Catawba County; and

WHEREAS, it is appropriate that a new person elected to the office of Register of Deeds not receive the same salary as someone who has given 36 years of service.

NOW, THEREFORE, BE IT RESOLVED, THAT the Catawba County Board of Commissioners does hereby resolve that the salary for the Catawba County Register of Deeds shall be \$53,330 per year. This change in salary shall take effect at the time the person elected to the office of Register of Deeds, in November 2004 takes office.

This 15th day of March, 2004.

/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Commissioner Beatty requested to be recused from voting pursuant to North Carolina General Statute 153A44 and said that she is considering to run for the Register of Deeds office, although she has not yet made a final decision.

Commissioner Barger made a motion to recused Commissioner Beatty from voting on the resolution setting the salary for the Register of Deeds Salary for the upcoming election. The motion carried unanimously.

Commissioner Hunsucker made a motion to approve the aforementioned resolution setting the salary of \$53,330 for the newly elected Register of Deeds.

Voting Aye: Barnes, Hunsucker, Barger and Lail

Voting Nay: None

The motion carried.

14. Other items of business.

a. Closed Session.

1. County Manager J. Thomas Lundy requested a Closed Session pursuant to North Carolina General Statute 143-318.11 (a) (4) To discuss matters relating to the location or expansion of industries or other businesses. He said he anticipated the Board to return to open session and take action after the closed session regarding a special meeting.

At 8:45 p.m., Commissioner Beatty made a motion to recess into Closed Session pursuant to North Carolina General Statute 143-318.11 (a) (4) To discuss matters relating to the location or expansion of industries or other businesses. The motion carried unanimously.

At 9:20 p.m. Commissioner Hunsucker made a motion to return to open session. The motion carried unanimously.

b. Special Meeting.

County Manager J. Thomas Lundy requested the Commissioners consider a special joint meeting with the City of Newton Board of Aldermen on Thursday, March 18, 2004, 3:00 p.m., Newton City Hall, Gantt Community Room, 401 North Main Avenue, Newton, North Carolina to discuss possible industrial and business location(s) within the City of Newton, including the use of incentives for specific industrial and business locations.

Commissioner Beatty made a motion to call a special joint meeting with the City of Newton Board of Aldermen on Thursday, March 18, 2004, 3:00 p.m., Newton City Hall, Gantt Community Room, 401 North Main Avenue, Newton, North Carolina, to discuss possible industrial and business location(s) within the City of Newton, including the use of incentives for specific industrial and business locations. The motion carried unanimously.

15. Adjournment.

At 9:21 p.m. there being no further business to come before the Board, Commissioner Hunsucker made a motion to adjourn. The motion carried unanimously.

The next meeting is a special called meeting on Thursday, March 18, 2004, 3:00 p.m. Newton City Hall, Gantt Community Room, 401 North Main Avenue, Newton, North Carolina, to discuss possible industrial and business location(s) within the City of Newton, including the use of incentives for specific industrial and business locations.

Katherine W. Barnes
Chair, Board of Commissioners

Thelda B. Rhoney
County Clerk